

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Michael Stringer,

Plaintiff,

v.

Civ. No. 04-4979 (JNE/FLN)  
ORDER

Joe Cosgrove, in his individual capacity and his official capacity as Assistant Warden, MCF Rush City; Joe Longueville, in his individual and his official capacities as Minnesota Department of Corrections Agent; Greg Fletcher, in his individual and his official capacities as Minnesota Department of Corrections Agent; and Jeffrey Peterson, Executive Officer, Hearings and Release Unit, in his individual and his official capacities,

Defendants.

In a Report and Recommendation dated August 24, 2006, the Honorable Franklin L. Noel, United States Magistrate Judge, recommended that Joe Cosgrove and Jeffrey Peterson's Motion for Dismissal be granted. Michael Stringer objected to the Report and Recommendation, and Cosgrove and Peterson responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Cosgrove and Peterson's Motion for Dismissal [Docket No. 17] is GRANTED.
2. Stringer's claims against Cosgrove and Peterson under 42 U.S.C. § 1983 are DISMISSED WITH PREJUDICE. Stringer's claims against Cosgrove and Peterson under state law are DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 28, 2006

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge